

REMARKS**Rejection of Claim 43 Under 35 U.S.C. § 112(2)**

The Patent Office rejected claim 43 as being indefinite. Applicant has amended claim 43 to depend from claim 42 instead of claim 43. This amendment is to correct a typographical error and is not made for any reasons of patentability.

Rejection of Claims 1-5, 23-32, and 57-61 Under 35 U.S.C. § 103(a) - Canada

The Patent Office rejected claims 1-5, 23-32, and 57-61 under 35 U.S.C. § 103(a) as being unpatentable in view of Canada (U.S. Patent No. 5,854,994).

Applicant has canceled claims 1-5 without prejudice.

Claim 23 is amended to be placed into independent form. Claim 23 is not obvious in view of Canada. Claim 23 requires that the "wireless communication device contains a non-magnetic force in addition to said magnetic force to aid the attaching of said wireless communication device to the magnetic surface portion." Canada does not teach or suggest this element and therefore Canada does not teach or suggest every limitation of claim 23. Therefore, Canada cannot be used to maintain this rejection of claim 23. MPEP § 2143.03.

Claim 24 has been amended to be placed into independent form since claim 1 from which claim 24 depends was cancelled without prejudice. Claim 24 has been amended to provide that the at least one tab that comprises the magnet is also an antenna for the wireless communication device. Claim 24 is now unobvious in view of Canada. Claims 25 and 26 depend from claim 24.

Applicant has canceled claims 27-32 without prejudice.

Claim 57 is amended to be placed into independent form. Claim 57 is not obvious in view of Canada. Claim 57 requires that the "wireless communication device contains a non-magnetic force in addition to said magnetic force to aid the attaching of said wireless communication device to the magnetic surface portion." Canada does not teach or suggest this element and therefore Canada does not teach or suggest every limitation of claim 57. Therefore, Canada cannot be used to maintain this rejection of claim 57. MPEP § 2143.03.

Claim 58 has been amended to be placed into independent form since claim 28 from which claim 58 depends was cancelled without prejudice. Claim 58 has been amended to

provide that the at least one tab that comprises the magnet is also an antenna for the wireless communication device. Claim 58 is now unobvious in view of Canada. Claims 59 and 60 have been amended to depend from claim 58.

Applicant has canceled claim 61 without prejudice.

Rejection of Claims 6 and 33 Under 35 U.S.C. § 103(a) - Canada & Riceman

The Patent Office rejected claims 6 and 33 under 35 U.S.C. § 103(a) as being unpatentable in view of Canada (U.S. Patent No. 5,854,994) in further view of Riceman (U.S. Patent No. 5,611,120).

Applicant has canceled claim 6 without prejudice. Applicant has amended claims 7 and 8 to be placed into independent form since these claims previously depended on claim 6.

Applicant has canceled claim 33 without prejudice. Applicant has amended claims 34 and 35 to be placed into independent form since these claims previously depended on claim 33.

**Rejection of Claims 6, 7, 13, 33-34, 40, 47 and 62-63 Under 35 U.S.C. § 103(a) –
Canada & Thomson**

The Patent Office rejected claims 6, 7, 13, 33-34, 40, 47, and 62-63 under 35 U.S.C. § 103(a) as being unpatentable in view of Canada (U.S. Patent No. 5,854,994) in further view of Thomson (U.S. Patent No. 4,754,532).

Applicant cancelled claim 6 without prejudice.

Claim 7 has been amended to be placed into independent form since claim 7 depended on claim 6. Claim 7 is not obvious in view of Canada and Thomson, because neither Canada nor Thomson teach or suggest a “magnet [that] moves in said chamber in a plane substantially perpendicular to the magnetic surface portion.” The magnet in Thomson does not move, but instead element 21 so that the amount of air in between the magnet 14 and the element 21 is changed to change the strength of magnetic force that the magnet 14 exerts (column 4, lines 10-25). Therefore, since neither Canada nor Thomson teach or suggest all limitations of claim 7, claim 7 is not obvious in view of Canada and Thomson. MPEP § 2143.03.

Applicant has amended claim 13 to be placed into independent form and to further include the limitation "wherein said external device is adapted to cause a short with said magnet to cause said magnet to reverse polarity." Neither Canada nor Thomson teach or suggest this limitation, and therefore claim 13 is non-obvious in view of Canada and Thomson.

Applicant has canceled claim 33 without prejudice.

Applicant has amended claim 34 to be placed into independent form since claim 34 depended on claim 33. Claim 34 is not obvious in view of Canada and Thomson, because neither Canada nor Thomson teach or suggest a "magnet [that] moves in said chamber in a plane substantially perpendicular to the magnetic surface portion." The magnet in Thomson does not move, but instead element 21 so that the amount of air in between the magnet 14 and the element 21 is changed to change the strength of magnetic force that the magnet 14 exerts (column 4, lines 10-25). Therefore, since neither Canada nor Thomson teach or suggest all limitations of claim 34, claim 34 is not obvious in view of Canada and Thomson. MPEP § 2143.03.

Applicant has amended claim 40 to be placed into independent form and to further include the limitation "wherein said external device is adapted to cause a short with said magnet to cause said magnet to reverse polarity." Neither Canada nor Thomson teach or suggest this limitation, and therefore claim 13 is non-obvious in view of Canada and Thomson.

Applicant has cancelled claims 47 and 62-63 without prejudice. Applicant has amended claim 48 to be placed into independent form since claim 48 depended from claim 47. Applicant has amended claims 64, 65, 67 and 68 to be placed into independent form since these claims depended from either claim 62 or 63.

New Claims 69-72

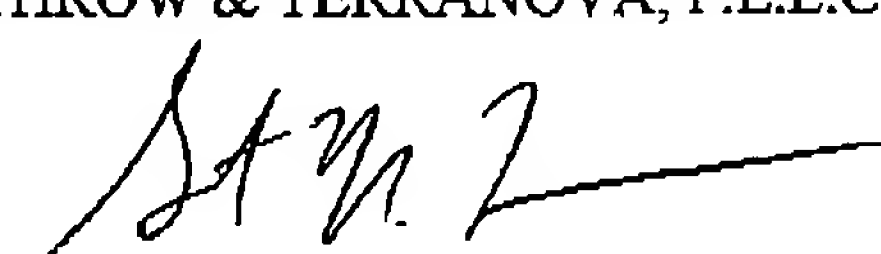
Applicant has added new method claims 69-72. Method claim 62 is similar to allowed claim 19 and is therefore allowable. Claims 70-72 depend from claim 69 either directly or indirectly and are therefore allowable.

Attached is a marked-up version of the amendments made to the application by the current response. The attachment is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

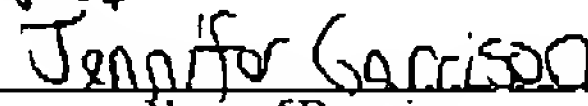
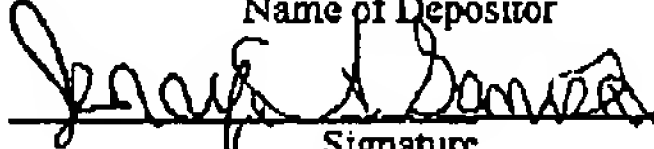
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CERTIFICATE OF FACSIMILE

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

7. (Once Amended) A [The] device [of claim 6, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said magnet moves in said chamber in a plane substantially perpendicular to the magnetic surface portion.

8. (Once Amended) A [The] device [of claim 6, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said chamber comprised of two pole pieces forming a gap at two opposite ends.

13. (Once Amended) A [The] device [of claim 6, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said chamber has an open portion for an external device to be inserted inside said chamber proximate to said magnet wherein said external device is adapted to cause a short with said magnet to cause said magnet to reverse polarity.

14. (Once Amended) A [The] device [of claim 6, further comprising] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device;

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article; and

a latch that rotates said magnet in said chamber in response to a particular signal field.

19. (Twice Amended) A [The] device [of claim 1, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said wireless communication device alters said magnetic force when said wireless communication device receives a message.

23. (Once Amended) A [The] device [of claim 1, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said wireless communication device contains a non-magnetic force in addition to said magnetic force to aid the attaching of said wireless communication device to the magnetic surface portion.

24. (Twice Amended) A [The] device [of claim 1, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said magnet is comprised of at least one tab connected to said wireless communication device wherein said at least one tab also comprises an antenna for said wireless communication device.

34. (Once Amended) A [The] device [of claim 33, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said magnet moves in said chamber in a plane substantially perpendicular to [the] said magnetic surface portion.

35. (Once Amended) A [The] device [of claim 33, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:
a wireless communication device; and
a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;
said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;
said chamber is comprised of two pole pieces forming a gap at two opposite ends.

40. (Once Amended) A [The] device [of claim 33, wherein] that magnetically attaches to a magnetic surface portion of an article, comprising:
a wireless communication device; and
a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;
said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;
said chamber has an open portion for an external device to be inserted inside said chamber proximate to said magnet wherein said external device is adapted to cause a short with said magnet to cause said magnet to reverse polarity.

42. (Once Amended) A [The] system [of claim 28, further comprising] for identification of an article, comprising:
an article containing having a magnetic surface portion;
a wireless communication device;
a magnet coupled to said wireless communication device wherein said magnet uses magnetic force to attach said wireless communications device to said magnetic surface portion of said article when in close proximity to said magnetic surface portion; and
an external device that is brought into proximity to said magnet to alter said magnetic force.

43. (Once Amended) The system of claim 42 [43], wherein said external device is a magnet.

47. (Once Amended) A [The] system [of claim 28, wherein] for identification of an article, comprising:

an article containing having a magnetic surface portion;

a wireless communication device;

a magnet coupled to said wireless communication device wherein said magnet uses magnetic force to attach said wireless communications device to said magnetic surface portion of said article when in close proximity to said magnetic surface portion; and
said magnet is housed and rotates in a magnetic assembly.

53. (Twice Amended) A [The] system [of claim 28, wherein] for identification of an article, comprising:

an article containing having a magnetic surface portion;

a wireless communication device;

a magnet coupled to said wireless communication device wherein said magnet uses magnetic force to attach said wireless communications device to said magnetic surface portion of said article when in close proximity to said magnetic surface portion; and

said wireless communication device alters said magnetic force when said wireless communication device receives a message through said wireless communication device.

57. (Once Amended) A [The] system [of claim 28, wherein] for identification of an article, comprising:

an article containing a magnetic surface portion;

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet uses magnetic force to attach said wireless communications device to said magnetic surface portion of said article when in close proximity to said magnetic surface portion;

said wireless communication device contains a non-magnetic force in addition to said magnetic force to aid the attaching of said wireless communication device to the magnetic surface portion.

58. (Twice Amended) A [The] system [of claim 28, wherein] for identification of an article, comprising:

an article containing a magnetic surface portion;

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet uses magnetic force to attach said wireless communications device to said magnetic surface portion of said article when in close proximity to said magnetic surface portion;

said magnet is comprised of at least one tab connected to said wireless communication device wherein said at least one tab also comprises an antenna for said wireless communication device.

59. (Once Amended) The system of claim 58 [28], wherein said at least one tab is a permanent magnet.

60. (Once Amended) The system of claim 58 [28], wherein said at least one tab is an electromagnet.

64. (Once Amended) A [The] method of [claim 63, wherein rotating said magnet is comprised of the step of] detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless

communication device to the magnetic surface portion by a magnetic force, comprising the step of activating a latch coupled to said magnet.

65. (Once Amended) The method of claim [62] 64, wherein activating a latch is comprised of bringing said wireless communication device in proximity to a signal field generator.

67. (Once Amended) A [The] method of [claim 62, wherein altering said magnetic force is comprised of] detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprising the step of bringing said wireless communication device in proximity to a signal field generator.

68. (Once Amended) A [The] method of [claim 62, wherein altering said magnetic force is comprised of] detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprising the step of bringing said wireless communication device in proximity to an external magnet to move said magnet away from the magnetic surface portion.